

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

JACQUES ROY, ET AL.

CRIMINAL NO. 3:12-CR-54-L

JOINT RESPONSE REGARDING SCHEDULING

Following the hearing before the Court on December 3, 2015, the parties engaged in a conference call on Friday, December 4, 2015, and discussed the scheduling of various matters, as directed by the Court. The topics discussed and the positions of the respective parties are outlined below:

A. **Reciprocal Discovery Deadline** – The parties jointly propose two different deadlines for the production of reciprocal discovery by the defense.

i. Non-CMS Ex Parte Discovery – The government proposes that this discovery (any material not obtained from CMS through subpoenas) be produced to the government by December 22, 2015. Defendants Roy, Veasey and Stiger agree with this date. Defendant Eleda has requested that the date be set at December 28, 2015. The parties agree and understand that supplemental production may occur in relation to material acquired by the parties after this date.

ii. CMS Ex Parte Discovery – The government proposes that this material (that produced by CMS in response to ex parte subpoenas) be turned over to the government by January 8, 2016. The defendants agree with this date.

B. **Expert Disclosures** – The government proposes that the defense comply with Federal Rule of Criminal Procedure Rule 16(b)(1)(C) by January 8, 2016. The Defense would respectfully request a deadline of February 25, 2016 to comply with Federal Rule of Criminal Procedure Rule 16(b)(1)(C). This will allow the Defense appropriate time to review all material currently outstanding and provide the government what is required under the Federal Rules of Criminal Procedure.

C. **Jury Questionnaire** – The parties propose that parties submit proposed jury questionnaires to the Court by January 29, 2016. The parties will confer prior the filing of these questionnaires and agree to the extent they can on questions to be included.

D. **Motions in Limine** – The government proposes that the parties file any motions in limine by February 15, 2016. The government proposes that any responses thereto will be due ten days after any motion is filed. Meaning, if a party files before that date, the response will be due ten days from the date of the filing. The government has proposed this date to provide for enough time for full briefing on these issues prior to the below-proposed pre-trial conference. The defendants propose that any motions in limine be due on February 22, 2016. Again, this will allow appropriate time to file meaningful motions in limine prior to trial and allow for less delays during trial.

E. **Pre-trial materials**¹ – The government proposes that pretrial materials (exhibit lists, witness lists, jury instructions, and voir dire) be filed with the Court by February 15, 2016. The government has proposed this date because it represents the same window of time (three weeks) before trial, as is typical in other scheduling orders issued by the Court, including the most recent iteration. (*See* Dkt. No. 566.) The defendants propose a February 22, 2016, date for the filing of these same pre-trial materials.² The Defendants propose such a date because they have recently received material and are just now able to begin the review process. Given the volume of material to review, the defendants propose that the 22nd is a more realistic time frame and will allow for less delays during trial, especially matters relating to exhibit lists.

F. **Pre-trial Conference** – The government proposes that the Court hold a pre-trial conference on February 26, 2016, to resolve any outstanding motions in limine or other pretrial issues. The defendants agree that a pre-trial conference would be helpful and have proposed that the pre-trial conference take place during the week of February 29, 2016, to March 4, 2016.

G. **Jury Selection** – The Court indicated that it intended to set jury selection to occur during certain days (yet to be identified) during the week of February 29, 2016, to March 4, 2016.

¹ The government and the defendants intend to meet in early to mid-February to discuss possible stipulations of evidence.

² The parties have agreed to exchange exhibits in electronic format, as opposed to hard copies.

H. **Motions Deadline** – The government’s position is that the date for filing any motion, other than a motion in limine, has passed (on several occasions), and that the defendants should be precluded from filing any additional motions of this type. Defendant Roy disagrees and proposes a motions deadline of January 29, 2016.

To the extent the Court disagrees with the government’s position, or allows motions related solely to the ex parte CMS information, the government proposes a deadline of January 15, 2016. The parties agree that any response is due ten days after the filing of any such motion. The Defense respectfully requests a new deadline of January 15, 2016 for all motions except for motions in limine. Given the volume of discovery and complexity of the case before the Court, a new date will allow for all Counsel to finalize review of all relevant material and file appropriate motions to avoid delay during trial or claims of ineffective assistance of counsel in the future.

Respectfully submitted,
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Government counsel has conferred with defense counsel for each of the defendants prior to the filing of the instant notice and provided a copy of the instant notice to each counsel, who reviewed, edited, and approved the filing. As such, the notice is being filed jointly by the parties.

/s/ Ali Fazel

Counsel for Defendant Dr. Jacques Roy

/s/ Jeffrey Grass

Counsel for Defendant Cynthia Stiger

/s/ Heath Hyde

Counsel for Defendant James Wilbert Veasey

/s/ Mark Watson

Counsel for Defendant Charity Eleda

CERTIFICATE OF SERVICE

On December 7, 2015, I electronically submitted the following document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Criminal Procedure 49(b).

s/ Nicole Dana

Nicole Dana

Special Assistant United States Attorney